

SC DEPARTMENT OF LABOR, LICENSING AND REGULATION
 110 CENTERVIEW DRIVE, SUITE 202
 COLUMBIA, SOUTH CAROLINA 29210

BOARD OF NURSING MEETING MINUTES – May 17, 2007

President Suzanne White called the meeting to order at 8:35 a.m. on May 17, 2007. In accordance with the S.C. Freedom of Information Act, the meeting notice was properly posted at the Board offices and provided to requesting persons, organizations and news media. A quorum was present at all times. The Board's mission was read: The mission of the State Board of Nursing for South Carolina is the protection of public health, safety, and welfare by assuring safe and competent practice of nursing.

CALL TO ORDER
PLACE OF
MEETING
AND FOIA
COMPLIANCE

Suzanne K. White, RN, MN, FAAN, FAHA, FCCM, CNAA, President
 Congressional District 4 Present

Brenda Y. Martin, RNC, MN, CNAA, Vice-President
 Congressional District 5Present by Telephone for First Hearing Only

C. Lynn Lewis, RN, EdD, MHS, Secretary
 Congressional District 3 Present

Debra J. Doria, LPN
 Region II, Congressional District 4 Present

Carrie H. James, RN, MSN, CNA-BC, CCE
 Congressional District 6Absent

Mattie S. Jenkins, LPN
 Region I, Congressional District 1 Present

Rose Kearney-Nunnery, RN, PhD, CNE
 Congressional District 2Absent

Trey Pennington, MBA, MS
 Public Member Present

Sylvia A. Whiting, PhD, APRN-BC
 Congressional District 1Absent

One Public Member Vacancy

BOARD
MEMBERS
PRESENT AND
VOTING

Joan K. Bainer, RN, MN, CNA BC, Board Administrator
 Maggie S. Johnson, RN, MSN, CLNC, APM, Program Nurse Consultant-Practice
 Nancy G. Murphy, RN, MS, BC, CPM, Program Nurse Consultant-Education
 Dottie Buchanan, Administrative Assistant
 Judy C. Moore, Administrative Specialist
 Theresa Richardson, Administrative Assistant
 Sherry Wilson, Administrative Coordinator
 Lynne Rogers, General Counsel
 Richard P. Wilson, Deputy General Counsel
 Sheridon Spoon, Associate General Counsel
 Dwight Hayes, Litigation Counsel
 Kathy Meadows, Chief of Investigations – Office of Investigations & Enforcement
 Mark Dorman, Chief of Investigations – Office of Investigations & Enforcement
 Shirley Robinson, Hearing Counsel

BOARD AND LLR
STAFF
MEMBERS
PRESENT FOR
CERTAIN
AGENDA ITEMS

The May 17, 2007 Board of Nursing meeting agenda was presented for Board review and approval.

APPROVAL OF
AGENDA

A motion was made to approve the May 17, 2007 meeting agenda as presented. The motion

MOTION

received a second. The motion carried unanimously.

The following items were adopted on the consent agenda:

APPROVAL OF
CONSENT
AGENDA

For Information: Joint Dialogue Group Meeting

For Information: Advisory Committee on Nursing Minutes – February 20, 2007

For Information: NCLEX RN /PN Summary Statistics January 1 - March 31, 2007

For Information: Response to Citation for 2006 NCLEX Passing Rate Deficiency (not appearing)

a. Horry-Georgetown Technical College – ADN Program

b. Spartanburg Community College – ADN Program

c. South Carolina State University – BSN Program

d. University of South Carolina Aiken – BSN Program

For Information: South University Letter of Intent to Offer a BSN Program

For Information: Letter -Gamma Omicron At-Large Chapter of Sigma Theta Tau International Nursing Honor Society in Charleston, South Carolina

For Information: Oconee School of Practical Nursing -Fred P. Hamilton Career Ctr -PN Program Voluntarily Closing

For Information: Legal Aspects Workshop Evaluation (Buchanan)

For Information: Investigation Statistics (Buchanan)

For Information: Statistics from Monthly Report (From Monthly Report-Buchanan)

For Information: Update Status on Monitoring (From Monthly Report-Buchanan)

A motion was made to adopt the Consent Agenda as presented. The motion received a second. The motion carried unanimously.

MOTION

The March 29, 2007 Board of Nursing Meeting Minutes were presented for Board review and approval.

APPROVAL OF
MINUTES

A motion was made to approve the March 29, 2007 Board of Nursing Meeting Minutes with corrections submitted. The motion received a second. The motion carried unanimously.

MOTION

Mark Dorman was introduced to the Board. Mr. Dorman will be the Chief of Investigations for nursing cases.

INVESTIGATIVE
REVIEW
COMMITTEE

The Board was provided with the April 24, 2007 Investigative Review Committee (IRC) Meeting Report and recommendations for review and approval.

A motion was made to approve the April 24, 2007 Investigative Review Committee recommendations for Dismissals as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the April 24, 2007 Investigative Review Committee recommendations for Formal Complaint as presented. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to approve the April 24, 2007 Investigative Review Committee recommendation for Letters of Concern with the rewording of one letter. The motion received a second. The motion carried unanimously.

MOTION

Ms. Bainer reminded everyone that at the April 19, 2007 Strategic Planning Meeting, Ms. Rogers asked that all consent agreements be presented to the Board. The Board agreed with Ms. Rogers and asked that any consent agreements be held for Board review in May. Mr. Hayes explained that the consent agreements come from Rion Alvey, Program Manager for Office of Investigations and Enforcement. Ms. Bainer will contact all parties involved to assure that the consent agreements come before the Board at the July 2007 meeting.

CONSENT
AGREEMENTS

The Board was provided with the April 5, 2007 Disciplinary Review Committee (DRC) Minutes for review and approval.

DISCIPLINARY
REVIEW
COMMITTEE

A motion was made to approve the April 5, 2007 Disciplinary Review Committee minutes as presented. The motion received a second. The motion carried unanimously.

The Board reviewed cases as well as the Hearing Panel's findings of fact, conclusions of law and recommendations for disciplinary actions. Memoranda of agreement regarding violation of previous orders were also presented for review and determination of sanctions. Requests for reinstatement were considered.

FINAL ORDER
HEARINGS

Respondent Bryan Anthony Hamrick, RN was properly notified and appeared with his spouse to respond to questions from the board. Mr. Hamrick was not represented by legal counsel. Ms. White recused herself due to an employment issue and Vice President Brenda Martin presided in the case. The disciplinary panel hearing in this case was held on February 6, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §40-33-110(A)(3), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be placed on one year probation, that during that probationary period, Respondent must be supervised by a registered nurse who must remain on site and on shift at all times, Respondent shall have his employer(s) submit quarterly employer reports, and that Respondent shall complete a Board approved pharmacology course.

A motion was made to go into executive session for the purpose of receiving legal counsel. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to return to hearing session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and to amend their recommendation that Respondent Bryan Anthony Hamrick, RN be placed on six months probation, that during that probationary period, Respondent must be supervised by a registered nurse who must remain on site and on shift at all times, Respondent shall have his employer(s) submit quarterly employer reports, and that Respondent shall complete a Board approved pharmacology course. The motion received a second. The motion carried unanimously.

MOTION

Respondent Jennifer A. Boren, LPN was properly notified and appeared to respond to questions from the Board. Ms. Boren was not represented by legal counsel. The disciplinary panel hearing in this case was held on February 22, 2007. A Recovering Professional Program (RPP) representative was present to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §40-33-110(A)(15), 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended until such time as the RPP determines that she is safe to practice nursing and makes a written recommendation to the Board at which time her license may be reinstated.

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and recommendation to indefinitely suspend the license of Jennifer A. Boren, LPN until such time as the Recovering Professional Program (RPP) determines that she is safe to practice nursing and makes a written recommendation to the Board at which she may petition for reinstatement. The motion received a second. The motion carried unanimously.

MOTION

Respondent Mary E. Frentz, RN was properly notified and appeared to respond to questions from the Board. Ms. Frentz was not represented by legal counsel. The disciplinary panel hearing in this case was held on February 6, 2007. A Recovering Professional Program (RPP) representative was present to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §§40-33-110(A)(3), (7), (9) and (15) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be suspended for a period of two years that the suspension could be stayed provided Respondent re-enters and complies the RPP recommended program, as an outpatient and in conjunction with her current or treating physician/psychiatrist.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and to indefinitely suspend the license of Respondent Mary E. Frentz, RN, that the suspension may be stayed provided Respondent re-enters and complies the Recovering Professional Program (RPP) recommended program, as an outpatient and in conjunction with her current or treating physician/psychiatrist. The motion received a second. The motion carried unanimously.

Respondent Roberta H. Schaffer, LPN was properly notified and appeared to respond to questions from the Board. Ms. Schaffer was represented by Desa Ballard, Attorney at Law. The disciplinary panel hearing in this case was held on February 22, 2007. A Recovering Professional Program (RPP) representative was present to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §40-33-110(A)(14) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended until such time as RPP determines that it is safe for Respondent to return to active nursing practice and that prior to the license reinstatement, Respondent should be required to undergo psychological and cognitive testing, and a re-evaluation of her mental status and medication regiment.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and to indefinitely suspend the license of Respondent Roberta H. Schaffer, LPN until such time as the Recovering Professional Program (RPP) determines that it is safe for Respondent to return to active nursing practice and that prior to license reinstatement, Respondent is required to undergo psychological and cognitive testing, and a re-evaluation of her mental status and medication regiment. The motion received a second. The motion carried unanimously.

Respondent Alicia Terrell Wilkerson, RN was properly notified but did not appear to respond to questions from the Board. Ms. Wilkerson was not represented by legal counsel. The disciplinary panel hearing in this case was held on February 6, 2007. A Recovering Professional Program (RPP) representative was present to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §40-33-110(A)(7) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license remain suspended until sufficient proof of compliance with the Consent Agreement/Order has been provided to the Board.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and recommendation that Alicia Terrell Wilkerson's registered nurse license remain suspended until such time as until sufficient proof of compliance with the Consent Agreement/Order has been provided to the Board. The motion received a second. The motion carried unanimously.

Respondent Gregory M. Swant, RN was properly notified and appeared before the Board to

respond to questions. Mr. Swant was represented by James H. Price, III, Attorney at Law. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act and waiving a disciplinary panel hearing.

MOTION

A motion was made to go into executive session for the purpose of receiving legal counsel. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to return to hearing session. The motion received a second. The motion carried unanimously.

MOTION

A motion was made to indefinitely suspend the license of Gregory M Swant, RN due to the limited amount of time in therapy and that Mr. Swant may petition for reinstatement of his license at the end of his criminal probation. The motion received a second. The motion carried unanimously.

DEFERRED

Action on the case of Respondent Sara K. Mishoe, RN was deferred.

Respondent Catherine M. Blackmon, LPN was properly notified and appeared before the Board to respond to questions. A Recovering Professional Program (RPP) representative was present to respond to questions from the Board. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act and waiving a disciplinary panel hearing.

MOTION

A motion was made to indefinitely suspend the license of Respondent Catherine M. Blackmon, LPN, the suspension may be stayed upon the recommendation of the Recovering Professional Program (RPP) and completion of an approved Legal Aspects of Nursing Workshop and that upon reinstatement of license, Respondent must be supervised by a registered nurse who is on site and on shift at all times, Respondent shall work in a Board approved setting but shall not be approved to work in home based case, telenursing, or agency, and that Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried unanimously.

Respondent Elizabeth Elaine Gresh, RN was properly notified but did not appear before the Board to respond to questions. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act and waiving a disciplinary panel hearing.

MOTION

A motion was made to continue the suspension of Respondent Elizabeth Elaine Gresh, RN until such time as Respondent personally appears before the Board. The motion received a second. The motion carried unanimously.

Respondent Susan Marie Graydon, RN asked that her case be heard at a later date.

Respondent Kathy J. Crosland, RN was properly notified and appeared to respond to questions from the Board. Ms. Crosland was represented by Desa Ballard, Attorney at Law. The disciplinary panel hearing in this case was held on March 6, 2007. A Recovering Professional Program (RPP) representative was present to respond to questions from the Board. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §40-33-110(A)(7) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended with provisions for a stay after she completes a RPP evaluation and appears before the Board for further consideration.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and to require Respondent Kathy J. Crosland, RN to undergo an evaluation as previously order by the Board on May 19, 2006, that if the evaluation is

negative for drug or alcohol addiction and/or abuse, the temporary suspension imposed on the Respondent immediately rescinded and her license reinstated; however, if the evaluation is positive for drug or alcohol addiction and/or abuse, the temporary suspension shall remain in effect until such time as Respondent enters into a participation agreement with the Recovering Professional Program (RPP) and RPP recommends reinstatement. The motion received a second. The motion carried unanimously.

Respondent Michael C. Gilbert, LPN was properly notified but did not appear to respond to questions from the Board. Mr. Gilbert was not represented by legal counsel. The disciplinary panel hearing in this case was held on March 20, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §§40-33-110(A)(1) and (3) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended with provisions for a possible stay conditioned upon Respondent signing a participation agreement with the Recovering Professional Program (RPP) and with a written recommendation from RPP to the Board when it has determined that Respondent is safe to return to active practice.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and recommendation that the license of Respondent Michael C. Gilbert, LPN be indefinitely suspended with provisions for a possible stay conditioned upon Respondent signing a participation agreement with the Recovering Professional Program (RPP) and with a written recommendation from RPP to the Board when it has determined that Respondent is safe to return to active practice and Respondent appears before the Board. The motion received a second. The motion carried unanimously.

Respondent Jeri L. Hancock, LPN was properly notified but did not appear to respond to questions from the Board. Ms. Hancock was not represented by legal counsel. The disciplinary panel hearing in this case was held on March 6, 2007. In their Findings of Fact and Conclusions of Law, the Disciplinary Hearing Panel found that Respondent violated SC Code Ann. §40-33-110(A)(7) 1976, as amended. The Disciplinary Hearing Panel recommended that Respondent's license be indefinitely suspended with a provision for a stay provided that she complete a Recovering Professional Program (RPP) evaluation and appear before the Board for further consideration.

MOTION

A motion was made to accept the Disciplinary Hearing Panel's Findings of Fact, Conclusions of Law and recommendation that the license of Respondent Jeri L. Hancock, LPN be indefinitely suspended with provisions for a possible stay conditioned upon Respondent completing the previously ordered Recovering Professional Program (RPP) evaluation and appear before the Board for further consideration. The motion received a second. The motion carried unanimously.

DEFERRED

Action on the case of Respondent Kelly Jackson Whitener, RN was deferred.

Respondent Laura Jane Tracy, RN was properly notified and appeared to respond to questions from the Board. She was not represented by legal counsel. Ms. Tracy appeared before the Board to request reinstatement of her registered nurse license.

MOTION

A motion was made to stay the suspension on the license of Laura Jane Tracy, RN, upon reinstatement the license shall be placed on one year probation with participation in the Recovering Professional Program (RPP), Respondent must be supervised by a registered nurse who is on site and on shift at all times, Respondent shall work in a Board approved setting but shall not be approved to work in home base case, telenursing, or agency, and that Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried unanimously.

Respondent Marcia D. Kelsey, LPN was properly notified and appeared to respond to questions from the Board. She was not represented by legal counsel. Ms. Tracy appeared before the Board to request reinstatement of her license.

MOTION

A motion was made to reinstate the license of Marcia D. Kelsey, LPN upon reinstatement the license shall be placed on one year probation during which time Respondent must be supervised by a registered nurse who is on site and on shift at all times, Respondent shall work in a Board approved setting but shall not be approved to work in home base case, telenursing, or agency, and that Respondent shall have her employer(s) submit quarterly employer reports and shall pay a civil penalty of \$250 within six months of the date of the final order. The motion received a second. The motion carried unanimously.

Respondent Katherine W. Robinson, LPN was properly notified and appeared before the Board to respond to questions. She was not represented by legal counsel. Respondent signed a memorandum of agreement admitting to a violation of the Nurse Practice Act, requesting reinstatement of her license and waiving a disciplinary panel hearing.

MOTION

A motion was made to reinstate the license of Respondent Katherine W. Robinson, LPN upon receipt of documented evidence that Respondent has completed a Board-approved Legal Aspects of Nursing Workshop, completion of thirty contact hours from a continuing education providers recognized by the Board or successful completion of a refresher course approved by the Board, upon reinstatement Respondent's license shall be placed on one year probation with participation in the Recovering Professional Program (RPP), Respondent must be supervised by a registered nurse who is on site and on shift at all times, Respondent shall work in a Board approved setting but shall not be approved to work in home base case, telenursing, or agency, and that Respondent shall have her employer(s) submit quarterly employer reports. The motion received a second. The motion carried unanimously.

Diane Roberson, RN, MSN, Chair of the Nursing Department of Aiken Technical College appeared before the Board to request faculty approval and a change in their curriculum. These requests were reviewed by the Advisory Committee on Nursing at their April 17, 2007 meeting.

AIKEN
TECHNICAL
COLLEGE

Aiken Technical College is requesting a waiver to approve hiring Robin D. Vieke, RN, BSN to a full-time faculty position. She is currently enrolled in a masters of science in nursing program at Walden University. Ms. Vieke has completed more than 50% of the masters program and is expected to graduate in December 2007. Since fall 2005, she has been employed as an adjunct instructor with the practical nursing programs at Aiken Technical College and Augusta Technical College as well as an adjunct instructor with the associate degree program at Aiken Technical College. At its April 17, 2007 meeting, the Advisory Committee on Nursing recommended that the Board approve this request.

MOTION

A motion was made to approve the request to hire Robin D. Vieke, RN, BSN to a full-time faculty position. The motion received a second. The motion carried unanimously.

Aiken Technical College is also requesting to change their curriculum for Fall 2007. Changes reflect decisions based on feedback and discussion at two of their faculty retreats and input from student surveys. Their goal is to establish a balanced curriculum that flows from simple to complex over the course of six semesters. The Advisory Committee on Nursing recommended that the Board approve this request with the following suggested changes: 1) clarify the advertising of the program of study timeframe, 2) clarify the title of the NUR 212 course and 3) clarify the references to "advanced application" and "advanced practice settings" in the fourth and fifth semester sections of the cover letter.

A motion was made to Aiken Technical College's request for curriculum changes as presented. The motion received a second. The motion carried unanimously.

Pamela S. Imm, PhD and Frank Sheheen, MS, CACII, Program Director for the Recovering Professional Program (RPP) appeared before the Board to present the RPP Outcome Report: Initial Results. In order to determine the effectiveness of RPP, data was collected and analyzed for this report from the ATHENA computer system, RPP documentation, questionnaires completed by recovering professionals, Advisory Committee members, and interviews with key RPP staff. Outcome data represent a little over 5 years of programming (February 2000-June 2006). The survey was sent to 75 participants of whom 25 responded. Ms. White thanked Mr. Sheheen for the report and the information it contains.

RPP INITIAL
OUTCOME
REPORT

Mr. Sheheen explained that they will now begin capturing data on participants to drop out and then re-enroll at a later date. The Board is also interested in why participants become non-compliant. Many appearing before the Board cite financial difficulty in paying for drug testing and inpatient care. Mr. Sheheen explained that they are using a new testing service. Each client will have a website to check to see they have been selected to be screened that day. He noted that drug testing utilizing mouth swabs is becoming more refined, is more easily collected and costs less. RPP staff is looking for alternative drug testing that would assist participants financially. Mr. Sheheen stated that support groups are a great help to those in recovery. Although there are 14 Caduceus Meetings for the approximately 100 physicians currently in the program, there are on six PAPN Group for the 700+ nurses. A copy of the RPP quarterly report was provided to the Board as information.

Legislation was introduced for this legislation session for the Student Health and Fitness Act which would fund a nurse in every school for fiscal year 2007-2008. The Board supports this effort. Staff will continue to track this bill.

SCHOOL
NURSING
FUNDING

Ms. Bainer provided the Board with information from the National Council of State Boards of Nursing (NCSBN) Mid Year Meeting related to: Strategic Initiatives, Proposed Revisions to the Bylaws Overview Committee FY07, Continued Competence: Update 2007, Examination Report 2005 Medication Assistant Delegate Assembly Resolution and Transition Report.

NCSBN MID
YEAR MEETING

The National Council of State Boards of Nursing (NCSBN) Delegate Assembly and Annual Meeting will be held on August 7-10, 2007 in Chicago, IL. Requests will be submitted for board members and staff to attend this meeting. The Board discussed the topics to be discussed, travel reimbursement, etc. Board members not present for this meeting will be contacted regarding their interest in attending.

DELEGATE
ASSEMBLY/
ANNUAL
MEETING

Ms. Bainer provided an update on legislation affecting nursing in South Carolina.

LEGISLATIVE
UPDATE

Criminal Background Checks

The bill has passed the House and is moving over to the Senate. The word "shall" was changed to "must" by a senator who wanted to make sure that background checks were required for all applicants to prevent discrimination. It was noted that schools are also performing criminal background checks but these cannot be shared.

Electronic Prescription Bill

There were many concerns on this bill and debate was adjourned. The bill regarding legible writing on prescriptions will probably be added on the electronic prescription bill.

South Carolina Critical Needs Nursing Initiative Act

The bill has passed the Senate and is moving over to the House. This bill would include funding for nursing scholarships in addition to other measures to increase the number of

nurses in our state.

Education Regulations

The regulations "timed out" on May 9, 2007. Hopefully, they will be published in the State Register on May 26, 2007 and become effective at that time.

The next Board of Nursing meeting will be held on May 26-27, 2007.

ADJOURNMENT

A motion was made to adjourn the meeting at 3:45 p.m. on May 17, 2007. The motion received a second. The motion carried.

MOTION

Respectfully Submitted,
Dottie Buchanan, Assistant to the Administrator